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SUBJECT: TURKS POLITICK ON AKP CLOSURE CASE

Classified By: AMBASSADOR ROSS WILSON FOR REASONS 1.4 (B) AND (D)

¶1. (C) Summary: Turkish FM Babacan appealed privately for stronger Western support of the ruling Justice and Development Party (AKP), which faces a closure case, during his London visit last week. Turkey's two most prominent business associations are pushing for a constitutional convention as a way out of the crisis. A key AKP figure speculates about possible scenarios and outcomes. End Summary.

¶2. (C) British Ambassador to Turkey Nicholas Baird told Ambassador April 22 that FM Babacan appealed during his talks in London the week of April 14 for Western support on the AKP closure case. In private talks with Foreign Secretary Miliband and Justice Secretary Straw, Babacan reportedly asked that messages be passed to the Turkish military, emphasizing the dangers of the closure case and the very negative consequences for Turkish democracy, secularism and other interests if it succeeds. He asked that this message also be passed to the US and indicated that strong US messages are needed. Babacan was reportedly more circumspect in meetings that included MFA and Turkish embassy officials and did not take up the closure case directly.

¶3. (C) Miliband was apparently supportive of Babacan in their private meeting and took his message on board. In the session with delegations, Miliband got everyone's attention by deliberately referring to a "judicial putsch." Baird said Miliband wanted to take this line publicly, but was talked out of it and confined himself to the same strongly supportive, but general, points on democracy that EC President Barroso and Secretary Rice used in their recent remarks.

¶4. (C) Ambassador and Baird agreed that the best advocacy now is for Western embassies to make the points to secularists -- strongly, but privately, that the closure case is a potential disaster for Turkey, that it risks undermining the secularists' own agenda, and that the way to advance that agenda is to return to and work with the government on an EU accession-related reform agenda. In conversations with many AKP parliamentarians at a Turkish sovereignty day reception April 23, Ambassador stressed to them the need to reduce tensions and the special obligation the AKP, as the largest party, for doing this.

¶5. (C) Ambassador and Baird have been in touch with leaders of Turkey's two most prominent business associations -- Arzuhan Yalcindag of the Turkish Industrialists' and Businessman's Association (TUSIAD) and Rifat Hisarciklioglu of the Turkish Union of Chambers and Commodity Boards (TOBB) regarding their efforts to help find a way out of the crisis. Hisarciklioglu told Ambassador April 22 that they are trying to develop a constitutional convention as a forum for civil society and political party figures to develop consensus on a package of amendments that would

-- advance democracy by, among other things, changing the

provisions regarding closure of parties;

-- strengthen individual liberties, including freedom of speech; and

-- remove anti-private sector elements in the present constitution that are holding up privatization and worsening Turkey's image as an investment destination at a bad, global time.

Yalcindag told Baird that that there is an explicit understanding that changes on party closures would not be retroactive. Senior TOBB and TUSIAD leaders made the rounds last week among deputy leaders of the AKP, CHP and MHP to sell this idea. AKP deputy chief and DPM Cemil Cicek welcomed it, including the specific "no retroactive" condition regarding party closures; his CHP and MHP colleagues were non-committal. Hisarciklioglu said the next approaches will be to the party leaders, but won't be made until the rhetorical dust has settled after a CHP congress this weekend, where Baykal will worsen his rhetoric in order to ensure his re-election as party leader.

17. (C) AKP MP and international relations vice chairman Egemen Bagis told Baird that the TUSIAD/TOBB initiative is a useful one that the AKP can embrace. He said the party believes it may lack the 367 votes needed to approve constitutional changes in parliament, given that at least some Kurdish nationalist Democratic Society Party (DTP) MPs will likely oppose and that some AKP deputies may bolt. Bagis was reportedly even doubtful that the party could muster the 330 votes required to approve amendments for submission to the electorate in a referendum. A new constitution or constitutional revisions proposed by a

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convention for a public referendum would be a way around these problems (though it was not clear from Hisarciklioglu whether the TOBB/TUSIAD initiative would produce such a concrete result).

18. (C) Commenting on the court case and its aftermath, Bagis reportedly said that the AKP believes it can count on three and possibly four Constitutional Court judges to vote against the ban. A fifth that would block the closure case is within reach, and the AKP is working for this. One fear Bagis had is that the Court might leave the party intact, but ban various individuals from politics, including PM Erdogan. He predicted that DPM Cicek, a hardline nationalist and conservative on issues important to us (e.g., he opposes revision to Article 301 on "insulting Turkishness," as well as concessions on Cyprus) would become prime minister in a post-Erdogan government.

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